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September 15, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Office action dated 3/20/06 regarding U.S. patent application number 09/752,365

Dear Sirs:

In response to the office action dated 3/20/06 (copy attached) regarding appeal of U.S. patent application number 09/752,365, the attached appeal brief has been corrected as requested by the examiner, with one exception as agreed upon with supervisory patent examiner William Trost via telephone on 9/14/2006. Supervisory examiner Trost agreed that claims 67, 68, 71, and 72 should remain identified as "Previously Presented", rather than having their status identifiers changed to "Currently Amended". The reason for this is that the text of these claims has not changed. Only the formatting of the space between the claims has been changed, to include carriage returns which had previously been omitted.


The attached appeal brief is submitted with a copy of the above-referenced office action, and with a check in the amount of \$1080 for the small entity fee for extension of time for response within the 5th month.

09/19/2006 MGE BREM1 00000004 09752365

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Sincerely


Lee Weinstein
Registration #56,261

Certificate of express mailing: I certify that this document including the attached appeal brief and check for \$1080, and copy of the related office action were deposited with the US Postal Service as Express Mail, post office to addressee, September 15, 2006, express mail label number ER720391565US.


Lee Weinstein



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

LEE WEINSTEIN, SCOTT BROWN

Serial No. 09/752,365 Art Unit 2643 Filed: December 29, 2000 Examiner Barry W. Taylor For:

**METHOD AND APPARATUS FACILITATING THE PLACING, RECEIVING,
AND BILLING OF TELEPHONE CALLS**

APPEAL BRIEF

Real Party in Interest

The subject application is owned by the inventors, who have appointed Lee Weinstein their common representative.

Related Appeals and Interferences

There are no related appeals or interferences.

Status of Claims

As of the most recent office action received (dated 9/8/2004) claims 1, 7-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 46-51, 53, 54, 59-61, 63, 66-68, 71-75, and 77 are rejected. Claims 2-6, 12, 14, 16-21, 24, 26, 28, 39, 45, 52, 55-58, 62, 64-65, 69-70, and 76 have been canceled. No claims have yet been allowed or withdrawn.

In the applicant's response to the second office action during prosecution, a text formatting error left out the carriage return between claims 67 and 68, and the carriage return between claims 71 and 72. An office action (dated 3/20/2006) regarding this appeal brief requested claims 67, 68, 71, and 72 to be herein designated as "Currently Amended", but after a phone call to supervisory patent examiner William Trost on 9/14/2006, Trost agreed that claims 67, 68, 71, and 72 should be designated as "Previously Presented", since no changes were made in the text of these claims when the formatting of the space between them was corrected.

Status of Amendments

On March 8, 2005, concurrent with the notice of appeal, the appellant filed an amendment after final rejection, amending claim 15 and correcting a claim numbering mistake pointed out by the examiner regarding claims 76 and 77. The appellant believes the amendments are entitled to entry under the standards set forth in MPEP §1207. No response has been received from the examiner regarding the amendment, at the time of filing of this brief.

Summary of Claimed Subject Matter

There are five independent claims being separately appealed (claims 1, 50, 51, 67, and 71). Appellant also desires to appeal all rejected dependent claims individually, in addition to appealing the independent claims. Appellant provides below a description of the inventions claimed in the independent claims, and claim 7.

The invention described in appellant's claim 1 comprises an apparatus which allows potential call recipients to specify what calling parties are allowed to call them, and when. The apparatus enables people to speak by telephone without either giving the other his or her phone number. Provided a calling party has been specified as an allowed caller by a potential called party, the calling party may contact the called party by initiating a call through a website. When the call is initiated, provided the call is initiated within a time window allowed by the called party, the apparatus places multiple outbound telephone calls from an outbound call engine and connects the two parties together, without either knowing the other's phone number. If the calling party attempts to initiate the call outside the time window allowed by the called party, the apparatus communicates to the calling party the times that such a call would be allowed.

The invention described in appellant's claim 7 comprises an apparatus which allows potential call recipients to specify what calling parties are allowed to call them, and when. The apparatus enables people to speak by telephone without either giving the other his or her phone number. Provided a calling party has been specified as an allowed caller by a potential called party, and the call is initiated within a time window when the called party has individually specified that the calling party is allowed to call, the calling party may contact the called party by initiating a call through a website. When the call is initiated within a time window individually specified by the called party for the calling party to call, the apparatus places multiple outbound telephone calls from an outbound call engine and connects the two parties together, without either knowing the other's phone number. If the calling party attempts to initiate the call outside the time window allowed by the called party, the apparatus communicates to the calling party the times that such a call would be allowed.

The invention described in claim 50 is a method of fund-raising, comprising auctioning (via the world-wide web) teleconference time with celebrities. Thus, those celebrity fans who bid the highest amount per minute get to be on the phone with a celebrity they admire, and the celebrity gets to raise money for a charitable cause while simultaneously stirring up interest and excitement in his or her fan base.

The invention described in appellant's claim 51 comprises method allowing two people to speak by telephone without either having the other's phone number, and without either being able to initiate contact with the other unless the called party has specifically allowed the call-initiating party to initiate contact, and unless the contact is initiated within a time window specified by the called party. This method allows potential call recipients to specify what calling parties are allowed to call them, and when. Provided a

calling party has been specified as an allowed caller by a potential called party, and the call is initiated within a time window when the called party has individually specified that the calling party is allowed to call, the calling party may contact the called party by initiating a call through a website. When the call is initiated within a time window individually specified by the called party for the calling party to call, multiple outbound telephone calls are placed from an outbound call engine which then connects the two parties together, without either knowing the other's phone number.

The invention described in claim 67 is a method of placing an international telephone calls between a call-initiating party and a called party, by placing multiple outbound telephone calls from an internet-controlled call engine, and connecting the call-initiating party and the called party after both have answered the phone. This enables people in countries with very high outgoing international phone charges to place international calls at rates comparable to the lowest rates of any country, because the call engine can reside in a country which has available very low international calling rates, and any two people in any two countries can be connected by two calls placed from the country with the low rates.

The invention in claim 71 is a method for placing long-distance calls at rates optimized over many different calling plans from many different carriers, without switching long-distance carriers. The method allows the user to take advantage of many different long-distance providers (to get the best rate for the call placed) without the user to switch long-distance providers, because all calls are placed as conferenced multiple outbound calls from a call engine at a location remote to the user, so the user is actually receiving a call (and so is the person the user is calling), because the call is initiated over the internet, rather than by dialing a phone. The call engine calls the call-initiating party (for instance, using a local line in a metropolitan area) and then calls the call-receiving party (using long-distance carrier selected on the basis of lowest cost for the particular call placed). Thus a caller can have a long-distance plan selected (for instance) for cheap domestic rates (but which doesn't have good international rates), and still place international calls at cheap rates as well, through the adjunct service. Thus users can always get the benefit of the lowest-priced long-distance provider of the day, without switching long-distance providers.

The claims on appeal are set forth in appendix A, shown amended with the above-mentioned amendment, with removed text struck through and added text underlined.

Grounds of Rejection to be reviewed on appeal

Claims 1, 15, and 51 were rejected by the examiner under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 76 was rejected by the examiner under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68 and 71-75 were rejected by the examiner under 35 U.S.C. 103(a) as being unpatentable over Glenn et al

(5,907,677 hereinafter Glenn) in view of DuVal (5,818,836) and Haste, III (6,665,389 hereinafter Haste) further in view of Cho (5,937,039). Claims 8, 46-47 and 49-50 were rejected by the examiner under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836), Haste, III (6,665,389 hereinafter Haste) and Cho (5,937,039) further in view of Lauffer (6,549,889).

Evidence

Appellants have not thus far submitted any §§ 1.130, 1.131, or 1.132 affidavits as part of prosecution. We have submitted with this appeal brief copies of all U.S. patents cited by the examiner in his final rejections of claims. The following is a list of the patents relied upon by the examiner in his 9/8/2004 (final) office action:

- Glenn et al (5,907,677 hereinafter Glenn)
- DuVal (5,818,836)
- Haste, III (6,665,389 hereinafter Haste)
- Cho (5,937,039)
- Lauffer (6,549,889)

Arguments

In item 1, the examiner rejects claim 1 under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement, stating that a text search was unable to find the terms "allowed callers from who customers are willing to receive calls" in the specification. One of the main innovative points of the present invention is that calls can only be received from allowed callers, and that until a call recipient allows a caller, no calls can be received from that caller. Call-enabling table 834 in central customer database 816 in figure 8 contains the allowed-caller data. The first paragraph on page 61 describes a user setting up "allowed call reception times". The brief description of figure 6 speaks of "times and dates of allowed call reception from a selected caller". The last paragraph on page 15 speaks of "The allowed contact times for John to call Mary". The last paragraph on page 16 speaks of the user filling in "allowed contact time windows". Since an allowed contact time window must be filled in for each caller, it would be clear to one of ordinary skill in the art that each caller specified is inherently an allowed caller and each caller not specified is inherently not an allowed caller. The last paragraph of page 29 refers to callers being able to access "names of people he is presently allowed to contact". A caller who is allowed to contact a given person is inherently an allowed caller for that given person. This would be clear to one of ordinary skill in the art. We submit that all the above-referenced parts of the specification (and many more) give adequate support to claim 1 as amended as required by 35 U.S.C. 112, first paragraph.

In item 2, the examiner rejects claim 15 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, stating that a text search was unable to find the terms "timing telephone connection time". Real-time clock 836 in figure 8 provides support in the figures. The last paragraph on page 36 speaks of how "timing software actuates SS7 interface 823 to 'tear down' or disconnect any call in progress when

the account balance hits zero". It is inherent in this feature of the invention that call connection times are being monitored. We thus submit that this would be clear to one of ordinary skill in the art, and that claim 15 as amended has adequate 35 U.S.C. 112 first paragraph support in the specification.

In item 3, the examiner rejects claim 51 under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement, stating that a text search was unable to find the terms "specifying a call-initiating party", "specifying a call-receiving party", "verifying a call time is within", and "checking with a database to verify that said call-initiating party is specified as an allowed caller by said call-receiving party", and "allowed caller". The method described in claim 51 is inherent in the examples given in the brief description, detailed description, and in the figures. An example of "specifying a call-initiating party" is shown in part in enabled caller list 504 and "add new contact" button 501 in figure 5, and in part in the call management screen shown in figure 6. The step of verifying that a call time is within an allowed call time window is referred to in the specification as setting up "allowed call times" in the last paragraph of page 16. How the system uses allowed call times is also referred to in the next to the last paragraph of page 17 and the first paragraph of page 18. The exact mechanics of specifying allowed call reception times are depicted in the bottom half of the configuration screen depicted in figure 6. We submit that it would be clear to one of ordinary skill in the art how to implement the method of claim 51, given the specification and the drawings, and we submit that to one of ordinary skill in the art having read the patent application in its entirety, the method of claim 51 would be an inherent part of the examples given in the specification.

In item 7, the examiner rejects claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68, and 71-75 under 35 U.S.C. 103(a) as being unpatentable over Glen (5,907,677) in view of DuVal (5,818,836) and Haste (6,665,389) further in view of Cho (5,937,039). We do not believe there is anything in the above references that suggest they all be combined. In addition, the Cho patent requires users to record and store the voice messages describing their absence (and perhaps suggesting alternate call times). It is not a system for enforcement of unreachability during prescribed times, and it is certainly not a system allowing specification of reachability within certain times. It does not automatically generate messages. It requires users to record messages. This is very far from the features of the present invention the examiner claims that combining Cho with the other references listed will make obvious. We have previously objected to the combining of what is now a sub-combination of the examiner's suggested combined references, as containing nothing to suggest their combination. The mere fact that references *can* be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000); *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). MPEP §2143.01. The examiner has stated that previous arguments are moot in view of new grounds of rejection, but since the new ground of rejection relies in this case on the old, we submit that our previous argument in this regard is not mute.

In item 8 the examiner rejects claims 8, 46-47, and 49-50 under U.S.C 103(a) as being unpatentable over Glenn (5,907,677) in view of DuVal (5,818,836), Haste (6,665,389) and Cho (5,937,039) further in view of Lauffer (6,549,889). Again, we submit that there is nothing in the above references suggesting that they all be combined. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000); *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). MPEP §2143.01.

Although the applicants have pointed out to the examiner in the response to the previous office action that claim 71 has not been addressed by the examiner, and that claim 71 is an independent claim unique and apart from all other claims in that it claims an aspect of the present invention which facilitates the placement of long-distance telephone calls at optimized rates, the examiner has continued to lump the rejection of claim 71 with other claims covering substantially different aspects of the present invention. None of the references cited by the examiner to date have addressed the patentability of claim 71.

Claim 67 is also an independent claim which has not been properly addressed by the examiner. Claim 67 claims an aspect of the present invention facilitating the placing of international telephone calls for vastly reduced rates. None of the references the examiner has cited appear to be prior art to this claim.

It is our understanding that the Supreme Court has recognized among indicia of unobviousness several factors, including:

- (a) Long felt but unsatisfied need for the invention while the needed implementing arts and elements had long been available;
- (b) Appreciation that a problem existed and what the problem was were theretofore unrecognized by those skilled in the art;

There has been a long-felt need to make long-distance and international phone calls as cheaply as possible. Many systems such as international call-back systems which allow a user to call a number in the USA and put in a touch-tone sequence to have the system call back have existed for years to try to provide cheap calls. These systems are far more cumbersome than the present invention, and not suited for day-to-day business calls. The present invention not only optimizes rates, but provides one-click internet-initiated call dialing. Thus, we believe that (a) above applies to claims 67 and 71 as a secondary indication of unobviousness.

The cumbersomeness of touch-tone-initiated international call-back systems and low-priced calling card systems limits the number of consumers willing to learn the complexities of using these systems. The simple one-click nature of the present invention solves this cumbersomeness problem which providers of these systems had not recognized as a key limitation. Thus, we believe that (b) above applies to claims 67 and 71 as a secondary indication of unobviousness.

For people using internet dating websites, there has been a long-felt need to be able to sort through a larger number of potential dating partners in a way faster and more reliable than writing and receiving a long stream of time-consuming e-mails. There has likewise been a need for a way for people to communicate by telephone with not-yet-trusted people, in a way that provides flexibility and high call quality, without compromising privacy. The present invention as claimed in claims 1 and 51 meets this need in ways no other invention to date has (although the technology to do so has been around for years), and we therefore believe that (a) above applies to claims 1, 7, and 51 as a secondary indication of unobviousness.

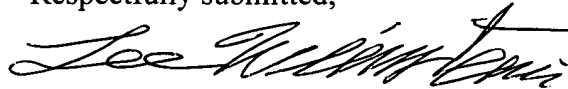
Remarks

During prosecution, as part of the applicant's response to the second office action, what is now claim 77 was submitted improperly numbered as claim 76. The claim number has herein been changed to 77 at the request of the examiner, and marked with a status identifier of "New". Although the corrected numbering of that claim is new, the exact text of that claim was previously presented during prosecution (improperly numbered as claim 76).

Summary

For the foregoing reasons, appellant believes that the examiner's rejections claims 1, 7-11, 13, 22-23, 25, 27, 29-38, 40-44, 46-48, 50-51, 53, 54, 59-61, 63, 66-68, 71-75, and 77 are erroneous, and reversal of his decisions is respectfully requested. Appellant believes that the amendment filed after final rejection overcomes the examiners rejection of claim 15, and allowance of claim 15 is respectfully requested.

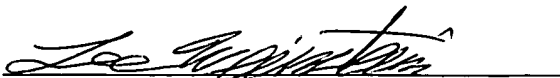
Respectfully submitted,



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Lee Weinstein

Claims Appendix

APPARATUS CLAIMS:

1. (Previously presented) An apparatus facilitating the placing conferenced multiple outbound telephone calls, comprising:
 - a. an internet-connected computer for receiving dialing information over the internet;
 - b. an outbound call engine capable for placing a plurality of outbound telephone calls, said call engine responsive to said dialing information;
 - c. call conferencing means capable of connecting a plurality of outbound telephone calls together;
 - d. a database comprising "allowed times" when customers have specified they are willing to receive calls, and "allowed callers" from whom customers are willing to receive calls;
 - e. means for automatically communicating said allowed times to callers who attempt to initiate calls outside said allowed times; and
 - f. enabling means for enabling said outbound call engine only when said allowed time and allowed caller criteria are met.
2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (Canceled)

6. (Canceled)

7. (Previously presented) The apparatus of claim 1, wherein said allowed time criteria is separately definable for different allowed callers.

8. (Previously presented) The apparatus of claim 7, wherein said enabled caller information further comprises for each customer allowed contact time windows during which calls will be accepted from other customers, further comprising means to automatically notify a customer by e-mail when an enabled caller's last allowed contact time windows have expired.

9. (Previously presented) The apparatus of claim 1, wherein customers from whom calls will be accepted can be defined as a group.

10. (Original) The apparatus of claim 9, wherein said dialing information for a customer calling as a member of a group includes both group-identifying information and individual-customer-identifying information.

11. (Original) The apparatus of claim 10, wherein said call-acceptance criteria further comprises call-blocking information specifying for each customer any individual customers from whom calls will not be accepted.

12. (Canceled)

13. (Original) The apparatus of claim 7, further comprising call-acceptance criteria specifying which customers can call a given customer and which criteria are modifiable via a website by said given customer.

14. (Canceled)

15. (Currently amended) The apparatus of claim 15, further comprising:

a database for storing customer information;
means for timing telephone connection time;
means for calculating charges based on telephone
connection time; and

wherein said database further comprises past charges accrued for each customer and billability status for customers, indicating whether each customer is billable for calls they set up, and whether they are billable for calls others set up to them, wherein billability status for each customer with respect to each other customer may be individually defined.

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Original) The apparatus of claim 7, wherein said database further comprises call scheduling information, and conferenced outbound telephone calls may be scheduled in advance and placed at pre-determined times, and call schedule data for a given customer may be accessed and modified by that customer via a website.

23. (Previously presented) The apparatus of claim 7, further comprising means for playing to a call recipient at the beginning of a call an audio announcement identifying the other party to said call, and means for including in said audio announcement information about the last time said other party placed a conferenced outbound call between himself and said recipient.

24. (Canceled)

25. (Original) The apparatus of claim 7, further comprising means for playing to a call recipient at the beginning of a call an audio greeting in said call recipient's own voice.

26. (Canceled)

27. (Original) The apparatus of claim 11, further comprising automatic means for sending an e-mail notification to a customer if someone said customer has designated as blocked tries to set up a call to said customer.

28. (Canceled)

29. (Original) The apparatus of claim 1, further comprising a web-based dialing directory with clickable representations of numbers to be dialed.

30. (Previously presented) The apparatus of claim 7, further comprising means for encrypting membership numbers of other members as seen by a given member, based on the given member's own member number, and wherein customers are identified to each other through said database by uniquely encrypted member numbers.

31. (Previously presented) The apparatus of claim 1, further comprising privacy-protected mail means for leaving a private message for an intended call recipient if an intended recipient is not reachable, said voice mail being retrievable only by the intended recipient through the use of private member-identification information.

32. (Original) The apparatus of claim 31, further comprising inbound call receiving means allowing retrieval

of privacy-protected voice mail by dialing a number and entering member identification information.

33. (Original) The apparatus of claim 7, further comprising means allowing any member to automatically generate a temporary membership number for a prospective member, and means to automatically generate a permanent membership for that prospective member when that prospective member uses said temporary membership number to become a member, and automatically replace occurrences of said temporary membership number in said database with member numbers uniquely related to said permanent member number.

34. (Original) The apparatus of claim 1, further comprising means for serving a web page indicative of call placement progress.

35. (Original) The apparatus of claim 34, further comprising means to serve a web page allowing call placement options of an intended call does not go through.

36. (Original) The apparatus of claim 35, further comprising means for periodically checking a busy line, and setting up a call when said line stops being busy.

37. (Original) The apparatus of claim 36, further comprising timing means to stop the checking of the busy line after a customer-specified amount of time.

38. (Previously presented) The apparatus of claim 7, wherein said database further comprises for each customer phone numbers at which said customer can be contacted, and further comprising web-based sign-up and account access means, and automated outbound call placement during sign-up, wherein said outbound calls are placed to all contact numbers specified for the person signing up, and proper PIN code entry is required during said automated calls during

sign-up in order to validate phone numbers to be called to reach said person.

39. (Canceled)

40. (Original) The apparatus of claim 7, wherein said database further comprises information for each customer indicating at what phone numbers said customer can be dialed.

41. (Original) The apparatus of claim 40, wherein said database further comprises for each customer said customer's preferences as to what phone said customer is allowed to be called at and at what times.

42. (Previously presented) The apparatus of claim 7, wherein said database further comprises for each customer what phone numbers said customer is reachable at by any particular other customer.

43. (Original) The apparatus of claim 7, wherein said database further comprises for each customer past call information including time of each call and member number of calling or called party, and further comprising means for serving up such past call information as web page data.

44. (Original) The apparatus of claim 43, further comprising means for disabling or enabling callers in response to web click data received from a browser viewing said past call information.

45. (Canceled)

46. (Previously presented) The apparatus of claim 1, wherein said database further comprises for each customer professional services rate information, and further comprising means to charge customers for professional

service time of a called party in addition to connection charges.

47. (Original) The apparatus of claim 46, further comprising means for serving up web-based schedule information for professional service providers, allowing web-based sign-up for paid telephone time with professional service providers.

48. (Original) The apparatus of claim 23, further comprising means for a called party to initiate automatic delivery of a pre-recorded audio message to a caller prior to and in place of connecting said caller to said called party.

METHOD CLAIMS

49. (Original) A method of doing business comprising auctioning professional service time on the web.

50. (Original) A method of fund-raising comprising auctioning teleconference time with celebrities on the web, automatically calling high bidders and connecting them to said teleconference, and automatically billing teleconference participants the amounts they bid to be on said teleconference.

51. (Previously presented) A method for placing conferenced multiple outbound telephone calls, comprising:

- a. Receiving dialing information specifying a call-initiating party, a call-receiving party, and a call time over the internet;

- b. checking within a database to verify that said call time is within allowed contact time window criteria set up by said call-receiving party regarding a call-initiating party;
- c. checking within a database to verify that said call-initiating party is specified as an allowed caller by said call-receiving party;
- d. placing a plurality of outbound telephone calls in response to said dialing information only if said call time falls within said allowed contact time window criteria and said call-initiating party is listed as an allowed caller by said call receiving party;
- e. connecting said multiple outbound calls together as a conference call in response to both called parties answering said calls.

52. (Canceled)

53. (Previously presented) The method of claim 51 wherein said conferencing connection is done external to a telephone company switch.

54. (Previously presented) The method of claim 51 wherein the connecting of said outbound calls further comprises sending digital network commands to a telephone carrier switch to offload and maintain the connection.

55. (Canceled)

56. (Canceled)

57. (Canceled)

58. (Canceled)

59. (Previously presented) The method of claim 51, further comprising checking allowed group contact criteria if said dialing information indicates that said call-initiating party is initiating said call as a member of a call-enabled group, and placing said call only if said group is currently contact-enabled by said call-receiving party.

60. (Original) The method of claim 59, wherein said calling information is indicative of both individual information and group information.

61. (Previously presented) The method of claim 60, wherein said group must be currently enabled and said individual must not be currently disabled for said call-receiving party within said database in order for said conferenced calls to be placed.

62. (Canceled)

63. (Original) The method of claim 51, further comprising serving up customer information as a web page, and accepting customer modification of customer call setup and call-receiving parameters via the internet.

64. (Canceled)

65. (Canceled)

66. (Previously presented) The method of claim 51, wherein said database further comprises billability status, and where billability status may include fully billable status, split-billing status, or non-billable status, and wherein the billability status of each customer may be individually defined with respect to every other customer..

67. (Previously presented) A method of placing an international telephone call between a calling party and a called party, comprising initiating outbound telephone

calls to said called party and said calling party through an internet-based interface, and connecting said outbound calls together after both said parties answer said outbound calls.

68. (Previously presented) The method of claim 67, wherein said calling party is in a first country, and said called party is in a second country, and said outbound telephone calls originate from a third country.

69. (Canceled)

70. (Canceled)

71. (Previously presented) A method for placing long-distance telephone calls at optimized rates, comprising supplying a calling party's number and a called party's number through a website, selecting a telecommunications provider to connect said called party and said calling party based on rate information, placing outbound calls to said called party and said calling party, and connecting said called party to said calling party after both said parties answer said outbound calls.

72. (Previously presented) The method of claim 51, further comprising automatically making conferenced outbound calls at times scheduled in advance in said database.

73. (Previously presented) The method of claim 51, further comprising automatically playing to said call-receiving party at the beginning of a call an audio announcement identifying the other party to said call, and allowing said call recipient to deliver an audio message to said calling party without being connected to said calling party.

74. (Original) The method of claim 73, further comprising automatically playing to said call-receiving party at the beginning of a call audio information about the time the call-initiating party last called.

75. (Previously presented) The method of claim 51, further comprising playing to the call-receiving party at the beginning of a call an audio greeting in the call-receiving party's own voice.

76. (Canceled)

77. (Previously presented) A system for establishing a real-time communications connection between a user and a selected information service provider for a live, real-time conversation, the system comprising:

a communications interface; and

a controller computer linked with the communications interface, the controller computer having:

a first logic unit to provide a list of information service providers from a wide array of fields of service to the user;

a second logic unit, in response to the user selecting the selected information service provider from the list, to assign the user a position in a queue when one or more other users have also selected the selected information service provider, the queue having a plurality of other positions, each occupied by one of the one or more of other users waiting to communicate with the selected information provider;

a third logic unit to receive a bid from the user when the user desires to advance position within the queue;

a fourth logic unit to compare the bid with each price being offered by each of the one or more other users, such that each price being offered by each of the one or more other users is initially equal to a price charged by the selected information service provider for providing services in a live, real-time conversation with the user;

a fifth logic unit to advance the user to a position in the queue ahead of each other positions occupied by each other users whose price is lower than the bid; and

a sixth logic unit to establish a real-time communications connection via the communications interface between the user and the selected information service provider for the live real time conversation when the user advances to a first position in the queue and the selected information service provider is available to communicate with the user.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,365 | 12/29/2000 | Lee Weinstein | ClickCall | 8453 |

28731 7590 03/20/2006

LEE WEINSTEIN
32A FAIRMONT STREET
ARLINGTON, MA 02474

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)

SEP 15 2006

Application No.

09/752,365

Applicant(s)

WEINSTEIN ET AL.

Examiner

Barry W. Taylor

Art Unit

2643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 09 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Page 4 line 1 is defective because the heading "Evidence" should read "Evidence Relied Upon".

Barry W. Taylor
Patent Examiner
2617

William Trost
WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09752,365

Examiner

Barry W. Taylor

O I P E
SEP 15 2006
PATENT & TRADEMARK OFFICE

Applicant(s)

WEINSTEIN ET AL.

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 May 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.



Continuation of 4(e) Other: Claims 67, 68, 71, 72 should read (Currently amended); Claim 76 should read (Canceled); Claim 77 should read (New).

A handwritten signature in black ink, appearing to read "W. Trost".

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600